



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision Request for Variance Hamek Associates/Map 29, Lot 4**

**July 20, 2011**

**Applicant:** Hamek Associates  
c/o Ames Associates  
164 NH Route 25  
Meredith, NH 03253

**Location:** Brown Point Road, Moultonborough, NH (Tax Map 29, Lot 4)

On July 6, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Hamek Associates (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B)(3) to allow for the construction of an addition to an existing non-conforming structure located within the side property line setback (1.5’± from property line) on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located on Brown Point Road (Tax Map 29, Lot 4).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearing by Dan Ellis of Ames and Associates.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The existing structure is located within the twenty (20) foot side setback.
- 6) The proposed addition will be added to the existing kitchen and angled away from the property line.
- 7) No members of the public wished to speak on the application.

- 8) Granting the Variance will not be contrary to the public interest as all land within 1000'-1500' from the project area is owned by the same group of family individuals. The 20' sideline setback requirement is intended to provide a reasonable sense of privacy for abutting lots and the addition will have no noticeable impact on the public.
- 9) Granting the Variance is consistent with the spirit of the Ordinance as all abutting lots utilize the subject property and have an interest in the project.
- 10) By granting the Variance, substantial justice is done.
- 11) Granting the Variance does not diminish the value of surrounding properties as the addition will be aesthetically pleasing, and is proposed for a structure that is jointly owned by a group of family members who also own the surrounding property for a distance of 1000'-1500'  $\pm$ .
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as an alternative location of the addition that would result in it being located further from the property line is not available due to location of the existing septic tank and limiting conditions of the lot in regard to potential relocation of that tank.
- 13) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Heal, Crowe), and one (1) opposed (Nolin), to continue the Public Hearing to July 20, 2011, and to direct Staff to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the July 20, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to July 20, 2011. The Board of Adjustment closed the public portion of the hearing on July 20, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of four (4) in favor (Stephens, Zewski, Heal, Crowe), one (1) opposed (Nolin), to **GRANT** the request for a Variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

---

Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_